

REMARKS

Amendments to the Specification and Drawings

Applicant has made minor amendments to paragraphs 60, 61 and 72. Applicant has added in drawing item numbers throughout the detailed description to add clarity. Applicant has included reference characters 400 and 402 in the detailed description at paragraphs 75 and 79 as required by the Examiner. No new matter has been included. Entry is respectfully requested.

Applications have provided a replacement sheet for Figures 2B and Figure 3. No new matter has been included. Entry is requested.

Claim Amendments

Applicant has rewritten the claim set to overcome issues of clarity. The scope of new claims 19-35 is narrower than the scope of the original claims of the international application. To assist the Examiner, Applicant provides a claims comparison table attached as Appendix A. The claims comparison table identifies how the new claims correspond to the previously filed claims or to the description, or both.

The Examiner's rejection of previously filed claims 1 and 4-12 as being indefinite have been overcome by the new claims, as the words lacking antecedent basis have been removed.

Regarding the Examiner's rejection of previously filed claims 1-18 based upon not meeting the enablement requirement, Applicant has the following comments.

The invention as now claimed in the new claim set relates to an integrated breathing assistance apparatus. One of ordinary skill in the art in designing and manufacturing such an apparatus is well aware of the basic control aspects and hardware components of such an apparatus. One of ordinary skill in the art will understand how the main limitations of claim

19, a gases delivery device, a heater and a controller, are to be arranged together to provide respiratory gases to a user. One of ordinary skill in the art will understand how input devices such as control knobs and potentiometers are used to together with a controller to control a device such as a heater. Specific wiring diagrams or instructions are not necessary for one of ordinary skill in the art to implement the claimed invention.

Claims 19-27 and Claim 35

The invention claimed in claim 19 is an integrated breathing assistance apparatus that is configurable to at least two configurations. In a first configuration, the gases delivery device is operable and the heater plate is operable. The second configuration is achieved with the engagement of an activation tool with the apparatus.

The claimed invention provides the benefit that a user may purchase or use a CPAP device that is easily upgradeable to provide humidification as well as a flow of gases.

One of ordinary skill in the art will understand how to implement the claimed invention in an integrated breathing assistance apparatus given the detail provided in the specification. For example, paragraph 61 describes that the actuation tool enables the software controlled humidification hardware. One of ordinary skill in the art will know that the controller of a breathing assistance apparatus is programmed with software to control the apparatus. One of ordinary skill in the art will understand that software is configurable and that software may be configured based on a software key or switch (the activation tool) being provided. It is not necessary for the Applicant to provide specific software code to allow a one of ordinary skill in the art to implement the claimed invention. Furthermore, details of the form of the activation tool that may be used to implement the invention of claim 19 are provided in paragraphs 63 to 71.

Claims 28-34

Claims 28 -34 relate to an integrated breathing assistance apparatus having a cover so that when the cover is installed the apparatus is adapted to deliver unhumidified gases. When the cover is removed and a humidification chamber containing water is installed, the apparatus is adapted to deliver humidified gases.

The specification enables one of ordinary skill in the art to implement this embodiment of the invention. For example, paragraph 64, with reference to the accompanying drawings, describes a shroud, the shroud covering the heater plate vestibule and locking off the heater plate control knob.

Anticipation - United States Patent No. 6,349,722 Gradon et al.

Claims 17 and 18 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by United States Patent No. 6,349,722 to Gradon et al. Claims 17 and 18 have been canceled.

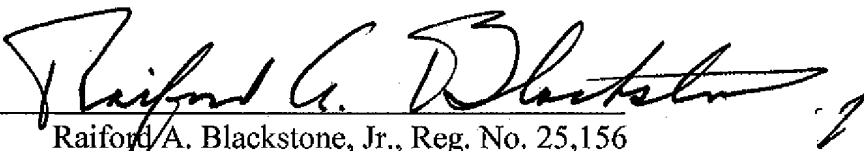
A Petition for a Two-Month Extension of Time is concurrently submitted herewith to extend the date for response up to and including August 18, 2008.

As Applicant is not aware of any prior art which would anticipate or would render obvious the claims of the present application, early allowance is requested. Should the

Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

Dated: Aug. 18, 2008

By: 
Raiford A. Blackstone, Jr., Reg. No. 25,156
Linda L. Palomar, Reg. No. 37,903

TREXLER, BUSHNELL, GIANGIORGI
BLACKSTONE & MARR, LTD.
105 W. Adams Street
Suite 3600
Chicago, Illinois 60603
(312) 704-1890

A40217.WPD